

REMARKS

In reply to the restriction requirement, Applicant elects Group I, Claims 1-13, 20, 21, and 41-45, drawn to a compound of the formula classified in classes 548 and 549, with traverse. Claims 1-45 read on the elected Group.

In reply to the election of species requirement, Applicant elects compound 2c, described in Example 4, and recited in claim 9. Claims 1-7, 9, and 14-44 read on the elected invention.

Applicant disagrees with the present restriction requirement. The pending application is a national stage application filed under 35 U.S.C. §371, and is consequently governed by unity of invention standards set forth in PCT Rule 13 and 37 C.F.R. §1.499. MPEP §1893.03(d). Accordingly, The International Preliminary Report on Patentability should provide a standard for U.S. prosecution regarding unity of invention. It is clear that in The International Preliminary Report on Patentability issued in PCT/US2005/009263, which corresponds to the present application, a unity of invention objection was not raised. Accordingly, the International Examiner searched and examined all of claims 1-40, which correspond to the presently pending claims 1-40 (pending claims 41-45 are additional claims dependent from claim 1). For at least this reason, all of the presently pending claims cannot reasonably be construed to impose an undue search burden on the Examiner. For this reason, Applicant requests reconsideration and withdrawal of the restriction between Groups I-VII.

Additionally, Applicant strongly disagrees with the Examiner's characterization of claims 14-19 as drawn to a "method." Claims 14-19 each depend from claim 1, and thus clearly recite a composition of matter. Accordingly, claims 14-19, each sharing the same technical feature of claim 1 (*i.e.*, the formula recite in claim 1), should also be classified in classes 548 and 549, as

they clearly are encompassed by these classes. Claims 14-19 merely recite functional characteristics of the compound, but they do not recite a “method of use.” For this reason, Applicant respectfully requests withdrawal of at least the restriction between Groups I-III.

In the event that the Office maintains the present restriction requirement, Applicant reserves the right to request rejoinder of the restricted groups, where applicable.

CONCLUSION

Pursuant to the above remarks, reconsideration of the restriction requirement and examination of all the pending claims is respectfully requested. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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